### PUBLIC ACCESS TO FACILITIES, PROGRAMS, ACTIVITIES & SERVICES POLICY

## **PART A - POLICY STATEMENT**

### I. General Commitment to Non-Discrimination

The City of Lewiston (herein the "City") prohibits discrimination and/or the exclusion of individuals from its municipal facilities, programs, activities and services based on the individual person's race, national origin, color, creed, religion, sex, sexual orientation, age, disability, veteran status, or inability to speak English. The City affirms its commitment to providing meaningful opportunities and access to municipal facilities, programs, activities and services in an effort to comply with all federal and state laws including: Title VI of the Civil Rights Act of 1964 (herein referred to as "Title VI"), as amended; Section 504 of the Rehabilitation Act of 1973 (herein referred to as "Section 504"), as amended; the Americans With Disabilities Act (herein referred to as "ADA") of 1990 and the Maine Human Rights Act (herein referred to as "MHRA"). As a result, the City shall strive to put into place policies and procedures for its municipal facilities, programs, activities that promote the inclusion and integration of individuals of all races, national origins, colors, creeds, religions, sexes, sexual orientations, ages, abilities, veteran statuses, and limited English speaking abilities.

### II. Persons with Disabilities

The City is committed to including qualified individuals with disabilities, in municipal services, programs, and activities. The City shall make every effort to ensure that its services, programs and activities, when viewed in their entirety, are readily accessible to and usable by individuals with disabilities. In an effort to promote meaningful access for persons with disabilities the City recognizes its obligation to provide modifications to policies, practices, and procedures and where necessary to provide auxiliary aids to qualified individuals with disabilities.

Individuals requesting modifications or auxiliary aids/services must, when possible, provide the City a minimum of 72 hours advance notice. Because of logistical difficulties in obtaining certain services e.g., interpreters, persons requesting aids and services are strongly encouraged to provide the City with additional advance notice. Examples of auxiliary aids and materials which may be made available include: interpreters; note takers; written materials; telephone handset amplifiers; TDD's; enlarged text; qualified readers; audio recordings, large print readers, Braille, and assistance in locating items—all services which shall be provided free of charge.

Although the City will give primary consideration to an individual's choice of auxiliary aid/service, it may not be possible for the City to provide auxiliary aids that would result in a fundamental alteration in the nature of a service, program, or activity or in an undue financial or administrative burden. However, in such instances, the City will furnish another auxiliary aid, if available, that does not result in a fundamental alteration or undue burden.

## III. Limited English Speaking (LEP) Persons

In order to avoid the exclusion and/or discrimination against limited English speaking persons on the grounds of national origin, the City is committed to taking reasonable steps to ensure that such eligible persons have meaningful access to the City's services, programs and activities. The City recognizes that one the most important elements required for meeting this obligation is for an appropriate mix of written and oral language assistance e.g., translation services, to be accessible to limited English speaking persons.

Which documents must be translated, when oral translation is necessary, and whether such services must be immediately available depend on many factors. As a result, the City is committed to following the United States Department of Justice (USDOJ) guidance on making such determinations, which includes determining:

- 1) Number or Proportion of LEP Individuals
- 2) Frequency of Contact with the Program
- 3) Nature and Importance of the Program
- 4) Resources Available

As part of this effort, it will be the policy of the City to post this policy statement or a statement summarizing this policy (translated into languages that are most frequently spoken in the City). The posting will occur in places where municipal services are provided and on appropriate public documents e.g., advertisements, notices.

## IV. Contacting the City

Individuals having questions, requests for services/modifications or complaints concerning the City Non-Discrimination Policy on "Public Access To Facilities, Programs, Activities & Services Policy" should contact the City's Anti-discrimination Compliance Coordinator who shall also serve to monitor compliance with all those provisions of the ADA, Section 504, Title VI and the MHRA relating to issues of access to City facilities, programs, activities and services. The Compliance Coordinator for the City of Lewiston is:

Michael Paradis Lewiston Public Services Department c/o City Administrator's Office City Building, 27 Pine Street Lewiston, ME 04240

Office Phone Number: (207) 513-3003, Ext. 3412 TDD/TTY Phone Number: (207) 513-3007

FAX: (207) 795-5069

Days/Hours Available: Monday – Friday, 8:00AM to 3:00PM.

Individuals submitting questions, requests for services/modifications or complaints and require such auxiliary aids such as interpreters; note takers; written materials; telephone handset amplifiers; TDD's; enlarged text; qualified readers; audio recordings, large print readers,

Braille, and assistance in locating items, all services which shall be provided free of charge, shall, when possible, provide the City a minimum of 72 hours advance notice. Because of logistical difficulties in obtaining certain services e.g., interpreters, persons requesting aids and services are strongly encouraged to provide the City with additional advance notice. All such requests for auxiliary aid service shall be processed in compliance with Section II of this policy.

# IN CASES WHERE THE COMPLIANCE COORDINATOR IS NOT AVAILABLE, ALL CONTACTS SHOULD BE DIRECTED TO THE CITY ADMINISTRATOR.

Additional information on Title II of the ADA and other information relative to issues of disability and limited English proficiency are available through the ADA Information Line of the United States Department of Justice, Civil Rights Division, Disability Rights Section, at 800-514-0310 voice/800-514-0383 TTY. Information may also be found at the Department of Justice website: http://www.usdoj.gov/crt/drs/drshome.htm.

# V. Policy compliance through Compliance Committee review

The City adopts this policy and corresponding standard operating procedures, grievance procedure, and summary policy statement in order to meet its legal obligation of providing public access to facilities, programs, activities and services. In addition, the City Administrator shall appoint a Compliance Committee which shall: 1. Meet no less than 4 times per year; 2. post all meetings as public meetings in accordance with those city procedures for public notice on meetings; 3. ensure that Lewiston's Capital Improvement Plan (LCIP) incorporates reasonable levels of expenditures on those items identified within the Transition Plan, and to review on-going ADA, Section 504, Title VI and MHRA compliance issues once the Transition Plan has been fully implemented.

The Compliance Coordinator shall maintain a record of all such meetings for no less than three (3) years. The Compliance Committee shall be made up of no less than the following City positions: Anti-discrimination Compliance Coordinator, Assistant City Administrator, Recreation Director, and the Municipal Buildings Maintenance Director, and a person who has a "disability" as defined by the American with Disabilities Act.

### VI. Public outreach

The City is committed to providing the general public with information relative to compliance with the ADA, Section 504, Title VI and the MHRA. The City will pursue all available opportunities to educate the public on issues relating to discrimination of those who are disabled or who have limited English speaking skills.

## PART B - STANDARD OPERATING PROCEDURES

## I. Questions, requests and complaints.

Individuals having questions, requests for services/modifications or complaints concerning the City of Lewiston's policy on "Public Access To Facilities, Programs, Activities & Services Policy" should contact the City's Anti-discrimination Compliance Coordinator. The Compliance Coordinator for the City is:

Michael Paradis, City Engineer Lewiston Public Services Department c/o City Administrator's Office City Building, 27 Pine Street Lewiston, ME 04240

Office Phone Number: (207) 513-3003, Ext. 3412

TDD/TTY Phone Number: (207) 513-3007

FAX: (207) 795-5069

Days/Hours Available: Monday – Friday, 8:00AM to 3:00PM.

# In the Compliance Coordinator's absence, all contacts should be made to the City Administrator.

All requests for aids/services/modification should, when possible, be submitted in writing on form(s) provided by the municipality with any supporting documentation as may be deemed necessary by the Compliance Coordinator.

Individuals who submit a complaint, and require such auxiliary aids such as interpreters; note takers; written materials; telephone handset amplifiers; TDD's; enlarged text; qualified readers; audio recordings, large print readers, Braille, and assistance in locating items, all services which shall be provided free of charge, shall, when possible, provide the City a minimum of 72 hours advance notice. Because of logistical difficulties in obtaining certain services e.g., interpreters, persons requesting aids and services are strongly encouraged to provide the City with additional advance notice. All such requests for auxiliary aid service shall be processed in compliance with Part A, Section II of this policy.

No department or municipal employee may grant any service or modification under this policy, whether formal or informal, without first receiving approval of the Compliance Coordinator.

## II. Complaints.

The complaint should be in writing (or submitted through the use of an auxiliary aid as outlined in Part A, Section II of this policy) and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. The procedures for the submittal of a formal complaint are outlined in Part C of this policy. A complaint form entitled "City of Lewiston, Public Access Request or Complaint" is available at the following locations that shall serve as the "office of responsibility" for receiving and forwarding such grievances:

- City Hall—City Clerk's Office;
- Library—Library Reference Desk;
- Police Department—Lobby Reception Window;
- Public Works/Services Department—Business Office;
- Solid Waste Facility—Scale House;
- Lewiston Armory—Office;
- Multi-Purpose Center—Main Office;
- Fire Department (all stations)—Central Fire Station Main Office;
- All other public facilities not listed—City Hall/City Clerk's Office.

## III. Posting this policy and/or summary statement.

In places where the public is served, where possible, the "Public Access to Facilities, Programs, Activities & Services" policy statement (Part A of this policy) should be posted and/or made available in instances where city documents cannot incorporate the policy. When it is not possible to post the entire policy, "Summary Policy Statement" (Part D.4 of this policy) should be used for public posting and whenever space permits with the following exceptions.

The "General" statement (see Part D.2 of this Policy) should only be incorporated into municipal public documents such as email, letters, memos, public notices (that do not involve public meetings or gatherings) and public communications where such a statement is utilized to publicize the city's Non-Discrimination policies.

# IV. Language services.

The "Public Access to Facilities, Programs, Activities & Services" summary policy statement, part D.4, will be translated into languages that are most frequently spoken in the City and posted. The posting will occur in places where municipal services are provided and on appropriate public documents e.g., advertisements, notices.

Which documents must be translated, when oral translation is necessary, and whether such services must be immediately available depend on many factors. As a result, the City is committed to following the United States Department of Justice (USDOJ) guidance on making such determinations, which includes determining:

- 1) Number or Proportion of LEP Individuals
- 2) Frequency of Contact with the Program
- 3) Nature and Importance of the Program
- 4) Resources Available

The City has implemented a "City of Lewiston: Limited English Proficiency (LEP) Plan" which outlines the specific steps that must be taken when someone is identified as an LEP client and how services are to be made available to those eligible clients. Those conditions which determine eligibility for LEP services shall be outlined with the City's "LEP Plan".

# V. ADA, Section 504, Title VI, and MHRA compliance education for employee and elected officials

The City will insure that employee and elected officials education and training is implemented and is revisited annually regarding the practical and legal requirements of all applicable local, state and federal laws to insure that all eligible individuals have access to its facilities, programs, and activities.

#### PART C - GRIEVANCE PROCEDURE

This Grievance Procedure is established to meet the requirements of Title VI, the ADA, Section 504 and MHRA, in addition to any other applicable federal or state law. It may be used by anyone who wishes to file a complaint against the City alleging discrimination on the basis an individual person's race, national origin, color, creed, religion, sex, sexual orientation, age, disability, English speaking ability, and veteran status in way of its municipal facilities, programs, activities and services.

The complaint should be in writing, when possible, and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date, and description of the problem. A complaint form entitled "City of Lewiston, Public Access Request or Complaint" is available for the complainant at the following locations that shall serve as the "office of responsibility" for receiving and forwarding such grievances:

- City Hall–City Clerk's Office
- Library-Library Reference Desk
- Police Department–Business Office
- Public Works/Services Department–Business Office
- Solid Waste Facility–Scale House
- Lewiston Armory–Main Office
- Multi-Purpose Center–Main Office
- Fire Department (all stations)—Central Fire Station Main Office
- All other public facilities not listed—City Hall/City Clerk's Office

Individuals may also have the option of contacting the City's Non-Discrimination Compliance Coordinator directly to file complaints in cases where they believe they have been the victims of discrimination. The Compliance Coordinator for the City of Lewiston is:

Michael Paradis Lewiston Public Services Department c/o City Administrator's Office City Building, 27 Pine Street Lewiston, ME 04240

Office Phone Number: (207) 513-3003, Ext. 3412

TDD/TTY Phone Number: (207) 513-3007

FAX: (207) 795-5069

Days/Hours Available: Monday – Friday, 8:00AM to 3:00PM.

Individuals who cannot complete the "City of Lewiston, Public Access Request or Complaint" form and wish to file a complaint requiring such auxiliary aids such as **interpreters**; **note takers**; **written materials**; **telephone handset amplifiers**; **TDD's**; **enlarged text**; **qualified readers**; **audio recordings**, **large print readers**, **Braille**, **and assistance in locating items**, **all services which shall be provided free of charge**, shall, when possible, provide the City a minimum of 72 hours advance notice. Because of logistical difficulties in obtaining certain services e.g., interpreters, persons requesting aids and services are strongly encouraged to provide the City with additional advance notice. All such requests for auxiliary aid service shall be processed in compliance with Part A, Section II of this policy.

In addition, the following procedures shall also apply:

- All applicable grievances shall immediately be forwarded by the assigned "office of responsibility" to the Compliance Coordinator with a copy to the City Administrator in cases where they are not filed directly to the Compliance Coordinator.
- Within ten (10) working days after receipt of the complaint, the Compliance Coordinator, or the City Administrator in the Compliance Coordinator's absence, shall meet with the complainant to discuss the complaint and possible resolutions.
- Within ten (10) working days after the meeting, the Compliance Coordinator will review the complaint with the Assistant City Administrator and then respond in writing, and, where appropriate, in a format accessible to the complainant, such as large print, Braille, or audiotape. The response will explain the position of the City of Lewiston and offer options for substantive resolution of the complaint.
- If the response by the Compliance Coordinator does not satisfactorily resolve the issue, the complainant and/or his/her designee may appeal the decision of the Compliance Coordinator within ten (10) working days after receipt of the response to the City Administrator, City Hall, 27 Pine Street, Lewiston, ME 04240.
- Within ten (10) working days after receipt of the appeal, the City Administrator will meet with the complainant to discuss the complaint and possible resolutions.
- Within ten(10) working days after the meeting, the City Administrator will respond in writing, and, where appropriate, in a format accessible to the complainant, with a final resolution of the complaint.
- All written complaints, responses issued, and appeals by the Compliance Coordinator and the City Administrator will be kept by the City of Lewiston in compliance with state record retention rules but for no less than three (3) years.

# PART D – SUMMARY POLICY STATEMENT PUBLIC POSTINGS

One of the following statements should be added to all applicable city communications:

## 1) Employment

The City of Lewiston is an Equal Opportunity Employer and does not discriminate against or exclude individuals from its municipal facilities and/or in the delivery of its programs, activities and services based on the individual person's race, ancestry, national origin, color, religion, sex, sexual orientation, age, physical or mental disability, veteran status, or limited English speaking ability. For more information about this policy, contact or call Compliance Officer Michael Paradis at (V) 207-513-3003, (TDD) 207-513-3007, or email <a href="majorage-

## 2) General

The City of Lewiston does not discriminate against or exclude individuals from its municipal facilities and/or in the delivery of its programs, activities and services based on the individual person's race, ancestry, national origin, color, religion, sex, sexual orientation, age, physical or mental disability, veteran status, or limited English speaking ability. For more information about this policy, contact or call Compliance Officer Michael Paradis at (V) 207-513-3003, (TDD) 207-513-3007, or email mparadis@ci.lewiston.me.us.

## 3) Meeting Announcements

The City of Lewiston does not discriminate against or exclude individuals from its municipal facilities and/or in the delivery of its programs, activities and services based on the individual person's race, ancestry, national origin, color, religion, sex, sexual orientation, age, physical or mental disability, veteran status, or limited English speaking ability. If an individual wishes/intends to attend this meeting and requires an accommodation, or additional information about this policy, contact or call Compliance Officer Michael Paradis at (V) 207-513-3003, (TDD) 207-513-3007, or email mparadis@ci.lewiston.me.us within 72 hours of the event if possible.

# 4) Public Posting

The City of Lewiston prohibits discrimination and/or the exclusion of individuals from its municipal facilities, programs, activities and services based on the individual person's race, national origin, color, religion, sex, sexual orientation, age, disability, veteran status or limited English speaking ability. Individuals requiring auxiliary aids, modifications, interpreter or translation services in order to access the City's facilities or to participate in programs, activities or services should contact the City's Anti-discrimination Compliance Coordinator: Michael Paradis, Telephone: (207) 513-3003, Ext. 3412; TDD/TTY: (207) 513-3007, FAX (207) 795-5069. Such requests should provide, when possible, a minimum of 72 hours advance notice. All such auxiliary aids shall be free of charge. In cases where the Compliance Coordinator is not available, all contacts should be directed to the City Administrator.

## **EQUAL EMPLOYMENT OPPORTUNITY POLICY**

The City of Lewiston does not discriminate in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral or any other aspect of employment, on the basis of sex, sexual orientation, race, color, physical or mental disability, religion, age, ancestry, national origin or veteran's status. The City of Lewiston does not discriminate against qualified applicants and employees with disabilities in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral or any other aspect of employment. The City of Lewiston also provides qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship on the City of Lewiston.

The City of Lewiston prohibits retaliation against any person who opposes an unlawful employment practice or who files a charge of discrimination or participates in an investigation of unlawful employment practices.

#### HARASSMENT PREVENTION POLICY

The Maine Human Rights Act and the Civil Rights Act of 1967 prohibit sex discrimination. Sex discrimination includes sexual harassment. The City of Lewiston and each of its departments has zero tolerance for illegal employment discrimination, including gender and sexual harassment. Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct is used as the basis for employment decisions; or
- Such conduct has the purpose or effect of substantially interfering with an employee's work performance, or creating an intimidating, hostile, or offensive work environment.

The following are examples of illegal sexual harassment:

- Unwelcome sexual advances
- Sexual or lewd remarks
- Unwanted hugs, touches, kisses
- Requests for sexual favors
- Harassment consistently targeted at only one sex, regardless if the conduct itself is not sexual
- Retaliation for complaining about sexual harassment

Sexual harassment can take the form of other types of conduct as well. All forms of sexual and gender harassment are prohibited by law. Within each City of Lewiston Department, the department head or designee is responsible for day-to-day compliance with this policy and for the

prevention and correction of illegal discrimination. Within the Lewiston Police Department, the Chief of Police and, in his absence, the Deputy Chief, shall have such responsibility.

The Maine Human Rights Act, and federal civil rights laws, also prohibit discrimination in employment on the basis of race, color, sex, sexual orientation, physical or mental disability, religion, age, ancestry, or national origin. Unlawful discrimination includes harassment of an employee on the basis of his or her race, color, physical or mental disability, religion, age, sex, sexual orientation, ancestry or national origin.

The City of Lewiston does not discriminate in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral or any other aspect of employment, on the basis of sex, sexual orientation, race, color, physical or mental disability, religion, age, ancestry or national origin. The City of Lewiston does not discriminate against qualified applicants and employees with disabilities in hiring, promotion, discharge, pay, job training, fringe benefits, classification, referral or any other aspect of employment. The City of Lewiston also provides qualified applicants and employees with disabilities with reasonable accommodations that do not impose undue hardship on the City of Lewiston. The City of Lewiston prohibits retaliation against any person who opposes an unlawful employment practice on who files a charge of discrimination or participates in an investigation of unlawful employment practices.

Any employee who feels he or she has been subject to sexual harassment or any other form of discrimination, or feels that he or she has observed another employee being subject to sexual harassment or any other form of discrimination, should report the conduct to either their Immediate Supervisor, Division/Department Head or Human Resources. The Human Resources Assistant will be available to assist in processing complaints. All allegations of sexual harassment and discrimination will be investigated immediately.

Employees are also entitled to file a complaint with the Maine Human Rights Commission. The Maine Human Rights Commission can be reached by telephone at (207) 624-6050 or by mail at 51 State House Station, Augusta, ME 04333-0051.

The Maine Human Rights Act also prohibits any employer or individual from punishing or penalizing, or attempting to punish or penalize, any person for seeking to exercise the rights protected by the Maine Human Rights Act, for reporting a violation of the Maine Human Rights, and for testifying in any proceeding brought pursuant to the Maine Human Rights Act.

### EQUAL EMPLOYMENT OPPORTUNITY REPORTING POLICY

Any employee of the City of Lewiston who believes that he or she has been discriminated against in employment on the basis of race, color, religion, national origin, age, sex, sexual orientation, handicap, or veteran status, has been denied any employment benefit on that basis, or has been harassed, must report the behavior to their Immediate Supervisor, Division or Department Head or to Human Resources. The Human Resources Assistant will be available to assist in processing complaints. The City of Lewiston takes allegations of discriminatory treatment very seriously. The City of Lewiston will investigate every allegation of discrimination promptly and take whatever action is necessary to stop unlawful discrimination and remedy any effects of unlawful discrimination.

An employee who feels that he or she has been discriminated against, or believes he or she has witnessed discriminatory treatment of another employee, should report the conduct to one of the following individuals:

- The employee's Supervisor
- The employee's Department Head
- The Human Resources Director and/or Human Resources Assistant

An employee can report discriminatory treatment or harassment verbally or in writing. An employee's report will be investigated immediately.

### INVESTIGATION POLICY FOR MANAGEMENT PERSONNEL

## **Policy Statement**

City of Lewiston policies and federal and state law require us to investigate promptly and to remedy unlawful discrimination in employment, including sexual harassment. It is the policy of the City of Lewiston to investigate every allegation of discrimination or harassment thoroughly. The steps outlined below describe, in a general way, the investigation process to be followed by the City of Lewiston. The City of Lewiston has the discretion to alter the investigatory process as required by the individual circumstances of each report of discrimination or harassment.

#### **Procedure**

- 1. When a Supervisor, Department Head, the Human Resources Director and/or Human Resources Assistant receives a report of discrimination or harassment, he or she will encourage the reporting employee to make a written report of the discrimination or harassment. The reporting employee must sign and date the written report.
- 2. If the employee does not want to make a written report, the Supervisor, Department Head or Human Resources Director will take notes during the employee's verbal report, and will immediately prepare a written report which contains the name of the reporting employee, the date of the alleged discrimination or harassment, the date of the report and all of the information provided by the reporting employee.
- 3. The report will immediately be transmitted to the Human Resources Director and/or Human Resources Assistant.
- 4. The Human Resources Director will conduct an investigation which may include:
  - (1) Interviewing the reporting employee;
  - (2) Interviewing potential witnesses;
  - (3) Interviewing the individual alleged to have discriminated or harassed;
  - (4) Review of the information by the City Administrator and other management personnel;
  - (5) Review of the information by legal counsel for the City of Lewiston;
  - (6) Development of a resolution to the complaint; and
  - (7) Implementation of the resolution.

Development of a resolution may include a factual determination that discrimination or harassment occurred, a factual determination that no such conduct occurred, or a determination that a particular remedy is appropriate even if factual findings cannot be made.

Remedial action may include suspension with pay during an investigation, suspension without pay during an investigation, reinstatement, back-pay, time off with pay, payment of out-of-pocket expenses, transfer, additional training or termination of employment.

No employee has a right to any specific remedial measure. No employee has a right to any particular procedure. However, the City of Lewiston will treat all employees fairly throughout the course of the investigation.

# RESPONDING TO A REQUEST FOR ACCOMMODATION BY DISABLED EMPLOYEE

City of Lewiston policies and federal and state law require the City of Lewiston to provide a disabled employee with any reasonable accommodation which is necessary for the disabled employee to perform his or her job functions.

The Americans with Disabilities Act (ADA) and Maine Human Rights Act (MHRA) protect qualified employees who are disabled from employment discrimination. Under the ADA and MHRA, an employee has a disability if the employee has a physical or mental impairment that substantially limits a major life activity. The ADA and MHRA also protect employees who have a medical record of a substantially limiting impairment and employees who are regarded by others as having a substantially limiting impairment. A substantially limiting impairment is a physical or mental impairment that significantly limits or restricts the employee's ability to perform a major life activity such as hearing, seeing, speaking, breathing, performing manual tasks, walking, caring for oneself or learning.

An employee with a disability must be qualified to perform the essential functions of the job in order to be protected by the ADA and MHRA. This means that the employee must meet job requirements for educational background, employment experience, skills, licenses and any other qualification standards that are job related and be able to perform all of the tasks that are essential to the job, with or without an accommodation.

An essential function of a job is a basic job duty that the employee must be able to perform in order for the job to be completed. Usually, a written job description establishes the essential functions of any position. However, the actual functions performed by any employee occupying that job, as opposed to those reflected in a written job description, and should also be taken into consideration.

The City of Lewiston must provide a reasonable accommodation to any disabled employee who needs such an accommodation to participate in the employment application process, or to perform the employee's job and otherwise enjoy the benefits and privileges of employment. The best way to identify a reasonable accommodation is to enter into a dialogue with an employee.

If an employee requests an accommodation on the basis of a disability, you, as the employee's supervisor, must take the following steps:

- 1. Determine, by speaking with the employee, whether the employee requests an accommodation because the employee is disabled.
- 2. If the employee asserts that he or she is disabled, and therefore, entitled to the protection of the ADA and MHRA, the Supervisor must refer the employee's request for an accommodation to the Human Resources Director.
- 3. The Human Resources Director will work with the employee and the employee's Department Head to determine whether the employee needs an accommodation to perform his or her job, and to determine what accommodation or accommodations are reasonable. That determination may include some or all of the following steps:
  - (1) An individualized examination of the nature and extent of the employee's disabling condition;
  - (2) An individualized analysis of the requirements of an employee's job:
  - (3) A medical examination;
  - (4) An analysis of whether a particular accommodation will enable the employee with a disability to perform the essential functions of the job.

The Human Resources Director, working with the employee and the Department Head, will have the final discretion to choose which effective accommodation is the most reasonable accommodation given all of the circumstances related to the employee's abilities and the functions of the job.

In some cases, the City of Lewiston will need to determine whether an employee who asserts entitlement to the protection of the ADA and MHRA is a qualified individual with a disability. This determination, like the determination of the appropriated accommodation, will be made on a case-by-case basis, usually involving the participation of the employee's health care provider(s), and will focus on whether the employee is substantially limited in the ability to perform a major life activity.

# EMPLOYEE STATEMENT OF AWARENESS

I,	
	Employee Signature
Are you a supervisor? yes no	Title:
Dated:	Human Resources Representative